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SENATE BILL 528 By
Burks

HOUSE BILL 1663
By Windle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, to enact the "Citizen's Right to Know: Pretrial Release Act of 1997".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, is amended by adding the following as a new part 5:

Section 40-11-501. This part shall be known and may be cited as the "Citizen's Right to Know: Pretrial Release Act of 1997".

Section 40-11-502. As used in this act unless the context otherwise requires:

(a) "Annual report" means a report prepared by a Pretrial Release Agency that accurately summarizes the effectiveness of such agency's uses of public funds.

(b) "Non-secured release" means any release of a defendant from a pretrial custody where no financial guarantee is required as a condition of such release.

(c) "Pretrial Release Agency" means any government funded program whose function includes making recommendations for the non-secured release of criminal defendants or for the release of criminal defendants on the partial deposit of bail amount.

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(d) "Register" means a public record prepared by the Pretrial Release Agency readily available in the clerk's office of the courthouse which displays the required data.

(e) "Secured release" means any release of a defendant from pretrial custody where a financial guarantee, such as cash or surety bond, is required as a condition of such release.

Section 40-11-503.

(a) All Pretrial Release Agencies shall prepare a register displaying information regarding the cases and defendants who are recommended for release by such agency. The register shall be located in the clerk's office of the court in which the Pretrial Release Agency is located and the register shall be readily available to the public.

(b) The register shall be updated on a weekly basis and shall display accurate information regarding the following information for each defendant whose non-secured release was recommended by the Pretrial Release Agency:

- (1) The charge against the defendant;
- (2) The nature of any prior relevant criminal convictions against the defendant;
- (3) Court appearances required;
- (4) Missed court dates;
- (5) Bench warrant issued; and
- (6) Any instances of program non-compliance

Section 40-11-504.

(a) Prior to the end of the first quarter of each calendar year, every Pretrial Release Agency shall submit an annual report to the appropriate criminal or circuit court for the prior year.

(b) The annual report shall contain but not be limited to the following information:

- (1) The complete operating budget of the Pretrial Release Agency;
- (2) The number of personnel employed by the Pretrial Release Agency;
- (3) The total number of release recommendations made by the Pretrial Release Agency;
- (4) The total number of cases reviewed by the Pretrial Release Agency;
- (5) The total number of cases in which non-secured release was denied by the Pretrial Release Agency;
- (6) The number of defendants released on non-secured release after a positive recommendation by the Pretrial Release Agency;
- (7) The average period of time the defendant is incarcerated before being released on recommendation by the Pretrial Release Agency. These statistics should be classified as felonies and misdemeanors;
- (8) The total number of cases where the defendant was released on a non-secured release after a positive recommendation by the Pretrial Release Agency and the defendant had at least one (1) missed court date within one (1) year of the date of release;
- (9) The total number of cases where a defendant was released on a non-secured release after a positive recommendation by the Pretrial Release Agency and a bench warrant was issued by the court because of the defendant's failure to appear on a non-secured release;

(10) The total number of cases where a defendant was released on a non-secured release after a positive recommendation by the Pretrial Release Agency and a bench warrant was issued by the court but remained unserved after one (1) year; and

(11) The total number of cases where a defendant was released on a non-secured release after a positive recommendation by the Pretrial Release Agency and a warrant was issued for the defendant after his or her release for additional criminal charges within one (1) year.

(c) The annual report shall also contain an accounting of the percentage of the Pretrial Release Agency's annual budget which is allocated to steering defendants eligible for secured release toward obtaining their own release through non-government-sponsored programs.

Section 40-11-505. Every Pretrial Release Agency shall prepare the register and annual report out of their existing budgets, and no additional government funds shall be made available for the production of these items.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.